

House File 2336 - Introduced

HOUSE FILE 2336
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 602)

A BILL FOR

1 An Act relating to the duties and authority of the state board
2 of education, the department of education, and local school
3 districts and to the programs and activities under the
4 purview of the state board and the department.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.7, subsection 15, Code 2016, is
2 amended by striking the subsection.

3 Sec. 2. Section 256.9, subsections 26, 27, 36, 40, 54, and
4 59, Code 2016, are amended by striking the subsections.

5 Sec. 3. Section 257.1, subsection 2, paragraph c, Code 2016,
6 is amended by striking the paragraph.

7 Sec. 4. Section 257.14, subsections 1 and 2, Code 2016, are
8 amended to read as follows:

9 1. For the budget year commencing July 1, ~~2001~~ 2016, ~~if the~~
10 ~~department of management determines that the regular program~~
11 ~~district cost of and succeeding budget years, a school district~~
12 ~~for a budget year is less than the total of the regular program~~
13 ~~district cost plus any adjustment added under this section for~~
14 ~~the base year for that school district, the school district~~
15 ~~shall be eligible to receive for a budget adjustment for that~~
16 ~~district for that budget year up to in an amount equal to the~~
17 ~~difference between the regular program district cost for the~~
18 ~~budget year and one hundred one percent of the regular program~~
19 ~~district cost for the base year. The board of directors of~~
20 ~~a school district that wishes to receive a budget adjustment~~
21 ~~pursuant to this subsection shall, notwithstanding the public~~
22 ~~notice and hearing provisions of chapter 24 or any other~~
23 ~~provision to the contrary, within thirty days following May 9,~~
24 ~~2001, adopt a resolution to receive the budget adjustment and~~
25 ~~immediately notify the department of management of the adoption~~
26 ~~of the resolution and the amount of the budget adjustment to~~
27 ~~be received.~~

28 2. ~~For the budget years commencing July 1, 2002, and July~~
29 ~~1, 2003, if the department of management determines that the~~
30 ~~regular program district cost of a school district for a budget~~
31 ~~year is less than the total of the regular program district~~
32 ~~cost plus any adjustment added under this section for the~~
33 ~~base year for that school district, the school district shall~~
34 ~~be eligible to receive a budget adjustment for that district~~
35 ~~for that budget year up to an amount equal to the difference.~~

1 The board of directors of a school district that wishes to
2 receive a budget adjustment for a budget year pursuant to this
3 ~~subsection~~ section shall adopt by May 15 of the base year for
4 which the budget adjustment is sought, a resolution to receive
5 the budget adjustment ~~by May 15, annually,~~ and shall notify the
6 department of management of the adoption of the resolution and
7 the amount of the budget adjustment to be received.

8 Sec. 5. Section 257.14, subsection 3, Code 2016, is amended
9 by striking the subsection.

10 Sec. 6. Section 282.8, Code 2016, is amended to read as
11 follows:

12 **282.8 Attending school outside state.**

13 1. The boards of directors of school districts located
14 near the state boundaries may designate schools of equivalent
15 standing across the state line for attendance of both
16 elementary and ~~high~~ secondary school pupils when the public
17 school in the adjoining state is nearer than any appropriate
18 public school in a pupil's district of residence or in Iowa.
19 Distance shall be measured by the nearest traveled public
20 road. Arrangements shall be subject to reciprocal agreements
21 made between the chief state school officers of the respective
22 states. Notwithstanding section 282.1, arrangements between
23 districts pursuant to the reciprocal agreements made under
24 this section shall establish tuition and transportation
25 fees in an amount acceptable to the affected boards, but the
26 tuition ~~and transportation fees~~ fee established shall not be
27 less than the lower ~~average cost per pupil of the tuition~~
28 fee established pursuant to section 282.24 for the school
29 district or the equivalent tuition rate for the non-Iowa school
30 district for the previous school year, and the transportation
31 fee established shall not be less than the lower average
32 transportation cost per mile for yellow school buses as
33 described in section 321.373 for the previous school year of
34 the two affected school districts. For the purpose of this
35 ~~section average cost per pupil for the previous school year is~~

1 ~~determined by dividing the district's operating expenditures~~
2 ~~for the previous school year by the number of children enrolled~~
3 ~~in the district in the previous school year on the date~~
4 ~~specified in section 257.6, subsection 1.~~ The agreement shall
5 provide that if the tuition fee for the school district in
6 the adjoining state is a variable rate, the test of which
7 tuition fee is lower shall be determined for each student by
8 the affected boards.

9 2. A person attending school in another state pursuant
10 to this section shall continue to be treated as a pupil of
11 the district of residence in the apportionment of the current
12 school fund and the payment of state aid for state school
13 foundation aid purposes under section 257.6.

14 3. Notwithstanding the tuition provisions of subsection
15 1, the tuition fee established for a child requiring special
16 education under chapter 256B shall be equal to the actual cost
17 of the special education instructional program provided to that
18 child under the child's individualized education program.

19 4. If the chief state school officers of the respective
20 states have not entered into a reciprocal agreement under this
21 section, or the agreement has expired or been terminated, or
22 the distance to the public school in the adjoining state is
23 not nearer than an appropriate public school in the pupil's
24 district of residence or an appropriate public school in
25 Iowa, the pupil attending school outside the state shall be
26 considered a nonresident child for purposes of tuition payments
27 to the receiving district and shall not be treated as a pupil
28 of the district of residence for state school foundation aid
29 purposes under section 257.6.

30 5. The whole grade sharing provisions of sections 282.10
31 through 282.12 and the open enrollment provisions of section
32 282.18 shall not apply to agreements made between districts
33 under this section.

34 Sec. 7. Section 282.10, subsection 4, Code 2016, is amended
35 to read as follows:

1 4. A whole grade sharing agreement shall be signed by the
2 boards of the districts involved in the agreement not later
3 than February 1 of the school year preceding the school year
4 for which the agreement is to take effect. The boards of
5 the districts shall negotiate as part of the new or existing
6 agreement the disposition of funding provided under chapter
7 284, including the following:

8 a. Funding for the beginning teacher mentoring and induction
9 programs pursuant to section 284.13, subsection 1, paragraph
10 "b".

11 b. The teacher leadership supplement state cost per pupil as
12 provided in section 257.9, unless all of the districts subject
13 to the agreement are receiving such funding.

14 c. Teacher leadership supplemental aid payments as provided
15 in section 284.13, subsection 1, paragraph "e", unless all
16 of the districts subject to the agreement are receiving such
17 payments. This paragraph "c" is repealed June 30, 2018.

18 Sec. 8. Section 282.12, subsection 4, Code 2016, is amended
19 to read as follows:

20 4. The number of pupils participating in a whole grade
21 sharing agreement shall be determined on the date specified in
22 section 257.6, subsection 1, and on the ~~third~~ second Friday of
23 ~~February~~ January of each year.

24 Sec. 9. Section 282.18, subsection 7, Code 2016, is amended
25 to read as follows:

26 7. A pupil participating in open enrollment shall be
27 counted, for state school foundation aid purposes, in the
28 pupil's district of residence. A pupil's residence, for
29 purposes of this section, means a residence under section
30 282.1. The board of directors of the district of residence
31 shall pay to the receiving district the sum of the state
32 cost per pupil for the previous school year, and plus either
33 the teacher leadership supplement state cost per pupil for
34 the previous fiscal year as provided in section 257.9, or
35 the teacher leadership supplement foundation aid for the

1 previous fiscal year as provided in section 284.13, subsection
 2 1, paragraph "e", if both the district of residence and the
 3 receiving district are receiving such supplements, plus any
 4 moneys received for the pupil as a result of the non-English
 5 speaking weighting under section 280.4, subsection 3, for the
 6 previous school year multiplied by the state cost per pupil
 7 for the previous year. If the pupil participating in open
 8 enrollment is also an eligible pupil under section 261E.6, the
 9 receiving district shall pay the tuition reimbursement amount
 10 to an eligible postsecondary institution as provided in section
 11 261E.7.

12 Sec. 10. Section 282.18, subsection 9, paragraph c, Code
 13 2016, is amended to read as follows:

14 c. ~~Quarterly payments~~ The receiving district shall bill the
 15 first resident district according to the timeline in section
 16 282.20, subsection 3. Payments shall be made to the receiving
 17 district in a timely manner.

18 Sec. 11. Section 282.24, subsection 1, paragraph a, Code
 19 2016, is amended to read as follows:

20 a. The maximum tuition fee that may be charged for
 21 elementary and ~~high~~ secondary school students residing
 22 within another school district or corporation except students
 23 attending school in another district under section 282.7,
 24 subsection 1 or 3, is the district cost per pupil of the
 25 receiving district as computed in section 257.10.

26 Sec. 12. Section 282.24, subsection 2, Code 2016, is amended
 27 by striking the subsection.

28 Sec. 13. Section 284.12, Code 2016, is amended to read as
 29 follows:

30 **284.12 Reports — rules Rules.**

31 ~~1. The department shall annually report the statewide~~
 32 ~~progress on the following:~~

33 ~~a. Student achievement scores in mathematics and reading at~~
 34 ~~the fourth and eighth grade levels on a district-by-district~~
 35 ~~basis as reported to the local communities pursuant to section~~

1 ~~256.7, subsection 21, paragraph "c".~~

2 ~~b. Evaluator training program.~~

3 ~~c. Changes and improvements in the evaluation of teachers~~
4 ~~under the Iowa teaching standards.~~

5 ~~2. The report shall be made available to the chairpersons~~
6 ~~and ranking members of the senate and house committees on~~
7 ~~education, the deans of the colleges of education at approved~~
8 ~~practitioner preparation institutions in this state, the~~
9 ~~state board, the governor, and school districts by January 1.~~
10 ~~School districts shall provide information as required by the~~
11 ~~department for the compilation of the report and for accounting~~
12 ~~and auditing purposes.~~

13 ~~3. In developing administrative rules for consideration by~~
14 ~~the state board, the department shall consult with stakeholders~~
15 ~~who might reasonably be affected by the proposed rule,~~
16 ~~including persons representing teachers, administrators, school~~
17 ~~boards, approved practitioner preparation institutions, and~~
18 ~~other appropriate education stakeholders.~~

19 Sec. 14. Section 284.15, subsection 6, paragraphs a and c,
20 Code 2016, are amended to read as follows:

21 a. A school district may apply to the department for
22 approval to implement the career paths, leadership roles,
23 and compensation framework specified in **subsection 2**, or
24 a comparable system of career paths and compensation for
25 teachers that contains differentiated multiple leadership
26 roles. The director shall consider the recommendations of the
27 commission established pursuant to **subsection 12** when approving
28 or disapproving applications submitted pursuant to this
29 section. A school district may modify an approved framework or
30 comparable system if the director or the director's designee
31 approves the modification. A school district may appeal the
32 director's or the director's designee's decision to the state
33 board and the state board's decision is final.

34 c. A school district approved to implement the framework or
35 a comparable system pursuant to **this subsection** shall submit to

1 the ~~department~~ director or the director's designee for approval
2 any proposed ~~change~~ modification to the framework or comparable
3 system.

4 Sec. 15. REPEAL. Sections 256.19, 279.55, 279.56, and
5 279.57, Code 2016, are repealed.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill makes statutory changes affecting the duties and
10 authority of the state board of education and the department of
11 education, repeals certain programs, eliminates certain reports
12 by the department, and modifies or eliminates provisions
13 relating to certain programs and activities under the purview
14 of the state board and the department.

15 CERTAIN DIRECTOR'S DUTIES STRICKEN. The bill strikes from
16 Code section 256.9, which provides for the duties of the
17 director of the department of education, provisions which
18 require the director to cause to be printed in book form, every
19 four years, all school laws in force and any amendments or
20 changes in school laws, along with other information which may
21 aid school officers; to develop a model written publications
22 code for the regulation of time, place, and manner of student
23 expression; and to submit to the general assembly an annual
24 report regarding the activities, findings, and student progress
25 under the core curriculum, as well as an annual report on the
26 necessity of waiving statutory obligations for school districts
27 in the event of a disaster.

28 BUDGET ADJUSTMENT LANGUAGE. The bill amends Code sections
29 257.1 and 257.14 to strike obsolete transition language
30 relating to the budget adjustments for school districts.

31 ATTENDING SCHOOL OUTSIDE THE STATE. Code section 282.8
32 authorizes the boards of directors of school districts located
33 near the state boundaries to designate schools of equivalent
34 standing across the state line for attendance of pupils, to
35 establish reciprocal agreements between such districts, and

1 to establish tuition and transportation fees in an amount
2 acceptable to the affected boards. Currently, Code section
3 282.8 provides that tuition and transportation fees shall not
4 be less than the lower average cost per pupil for the previous
5 school year of the two affected school districts.

6 The bill amends Code section 282.8 to establish that the
7 tuition fee for students not requiring special education shall
8 not be less than the lower of the tuition fee established
9 pursuant to Code section 282.24 for students attending school
10 outside the district of residence or the equivalent tuition
11 rate for the non-Iowa school district for the previous school
12 year, and the transportation fee established shall not be
13 less than the lower average cost per mile for yellow school
14 buses for the previous school year of the two affected school
15 districts. The bill also provides that if the tuition fee for
16 the school district in the adjoining state is a variable rate,
17 the test of which tuition fee is lower shall be determined for
18 each student by the affected boards. For students requiring
19 special education, the bill provides that the tuition fee
20 shall be equal to the actual cost of the special education
21 instructional program provided to that child under the child's
22 individualized education program.

23 If there is no agreement between districts or the agreement
24 has expired or been terminated, or if the distance requirements
25 are not met, the bill provides that a student attending school
26 in the other state shall be treated as a nonresident for
27 purposes of tuition payments to the receiving district or
28 for purposes of establishing enrollment for purposes of the
29 school aid formula. The bill further establishes that an
30 agreement reached under Code section 282.8 does not qualify as
31 a whole grade sharing agreement, and, also, the open enrollment
32 provisions of Code section 282.18 do not apply to such an
33 agreement.

34 TERMINOLOGY CHANGES. Code sections 282.8 and 282.24 are
35 amended to replace references to "elementary and high school"

1 with the term "elementary and secondary school". Definitions
2 for junior high school and high school are also stricken from
3 Code section 282.24.

4 **WHOLE GRADE SHARING AGREEMENTS.** Whole grade sharing
5 is a procedure used by school districts in which all or a
6 substantial portion of the pupils in any grade in two or
7 more school districts share an educational program for all
8 or a substantial portion of a school day under a written
9 agreement. Currently, the boards of the school districts
10 participating in the agreement must negotiate, as part of the
11 new or existing agreement, the disposition of funding provided
12 under Code chapter 284, the student achievement and teacher
13 quality program. The bill adds to the negotiation requirement
14 disposition of beginning teacher mentoring and induction funds;
15 the teacher leadership supplement state cost per pupil, unless
16 all of the districts subject to the agreement are receiving
17 such funding; and the teacher leadership supplemental aid
18 payments, unless all districts subject to the agreement are
19 receiving such funding. Because the funding for the teacher
20 leadership supplemental aid payments is scheduled to end with
21 the 2016-2017 fiscal year, the bill repeals the relevant
22 provision June 30, 2018.

23 The bill also changes, from the third Friday of February to
24 the second Friday of January of each year, the second of two
25 dates used to determine the number of pupils participating in a
26 whole grade sharing agreement.

27 **OPEN ENROLLMENT PAYMENTS.** In addition to other statutory
28 requirements for open enrollment payments, the bill provides
29 that the board of directors of the district of residence must
30 pay to the receiving district either the teacher leadership
31 supplement state cost per pupil for the previous fiscal year,
32 or the teacher leadership supplement foundation aid for the
33 previous fiscal year, if both the district of residence and
34 the receiving district are receiving such supplements. Such a
35 limitation currently exists in Code section 284.13, subsection

1 1, paragraph "e", regarding the teacher leadership supplement
2 foundation aid. Currently, the district of residence must pay
3 to the receiving district the teacher leadership supplement
4 state cost per pupil for the previous fiscal year whether
5 or not both districts are receiving the teacher leadership
6 supplement state cost per pupil.

7 Currently, when a child who is participating in open
8 enrollment moves to a different school district during the
9 academic year, the first district of residence must make
10 quarterly payments to the receiving district for the remainder
11 of the year. Under the bill, the receiving district must bill
12 the first district of residence biannually, and the district of
13 residence must make payments in a timely manner.

14 STATEWIDE PROGRESS REPORTS. Currently, the department of
15 education must make an annual report to the general assembly
16 on statewide progress in student achievement on mathematics
17 and reading at the fourth and eighth grades, on the evaluator
18 training program, and on changes and improvements in teacher
19 evaluations. The bill eliminates that reporting requirement.

20 STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM. Currently,
21 in developing administrative rules for consideration by the
22 state board of education, the department must consult with
23 persons representing teachers, administrators, school boards,
24 approved practitioner preparation institutions, and other
25 appropriate education stakeholders. The bill provides that the
26 department must consult stakeholders when those stakeholders
27 might reasonably be affected by the proposed rule.

28 APPROVAL OF FRAMEWORK OR COMPARABLE SYSTEM BY DIRECTOR. The
29 bill authorizes the director of the department of education
30 to authorize a designee to approve modifications to a school
31 district's approved framework for Iowa teacher career paths,
32 leadership roles, and compensation or to an approved comparable
33 system submitted by the school district, and allows the
34 school district to appeal the designee's decision to the
35 state board of education. Currently, school districts must

1 submit proposals for modifications to approved frameworks or
2 comparable systems to the director, and the director's decision
3 may be appealed to the state board. The bill also allows the
4 proposals for modification to frameworks and comparable systems
5 to be submitted to the director's designee.

6 REPEALS. The bill repeals the following:

7 1. PILOT PROJECTS TO IMPROVE INSTRUCTIONAL PROGRAMS. When
8 first enacted in 1987, the provision was part of a program
9 to offer incentives to school districts that established
10 pilot projects to utilize a modified block schedule for
11 offering classes in the districts and sharing the certificated
12 instructional personnel. Implementation by the department
13 of education is dependent on whether the general assembly
14 appropriates funding for the pilot projects.

15 2. TEACHER EXCHANGE PROGRAM. The teacher exchange program
16 was enacted in 1991, contingent on an appropriation of moneys
17 by the general assembly, to permit school districts to exchange
18 licensed instructional personnel with other districts in order
19 to promote the exchange and enhancement of instructional
20 methods and materials and encourage the educational development
21 of Iowa's teachers.